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500.34180CX2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. HAMAMOTO, et al

Serial No.: 09/977,950

Filed: October 17, 2001

For: REGULATION METHOD AND APPARATUS FOR ATM CELL
DELAY VARIATION

Group: 2664

Examiner: K. Yao

**PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN
NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

November 28, 2001

Sir:

Applicants are in receipt of the Notice of Omitted Item(s) in a Nonprovisional Application dated October 31, 2001 wherein the United States Patent and Trademark Office indicated that Figs. 11, 12 and 13 as described in the specification were omitted. In response to the Notice Applicants submit the following.

The above-referenced application was filed in the United States Patent and Trademark Office on October 17, 2001. Applicants submit that the application papers for the above-referenced application filed in the United States Patent and Trademark Office on October 17, 2001 included a specification and 11 sheets of drawings illustrating Figs. 1-13 (specifically Figs. 11-13), and such drawings were attached to the specification. A copy of the Postcard Receipt indicating that 11 sheets of Formal Drawings were filed on October 17, 2001 is attached.

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Sheet 1 illustrates Fig. 1; Sheet 2 illustrates Fig. 2; Sheet 3 illustrates Fig. 3; Sheet 4 illustrates Figs. 4 and 5; Sheet 5 illustrates Fig. 6; Sheet 6 illustrates Fig. 7; Sheet 7 illustrate Fig. 8; Sheet 8 illustrates Fig. 9; Sheet 9 illustrates Fig. 10; Sheet 10 illustrates Fig. 11; Sheet 11 illustrates Figs. 12 and 13. Thus, the application was complete including Figs. 11-13 as filed on October 17, 2001.

Also the Transmittal submitting the application papers on October 17, 2001 in Box 18 thereof indicated that the above-referenced application is a continuation application of prior application Serial No. 09/033,978, filed March 3, 1998 and incorporated the entire disclosure of the prior application. The prior application included Figs. 11-13. Thus, the above-referenced application as filed on October 17, 2001 included Figs. 11-13 to the extent they were needed.

However, in order to expedite the prosecution of the above-referenced application, Applicants are submitting on even date the same 11 sheets of drawings filed on October 17, 2001 illustrating Figs. 1-13. Therefore, based on the above, Applicants respectfully request that the Notice be withdrawn, that the application be granted the filing date of October 17, 2001, and that the application be passed on the Examiner for further examination.

A Credit Card Payment Form authorizing the payment of \$130.00 Petition fee is also attached. However, Applicants submit that since Figs. 11-13 were submitted with the application at the time of filing on October 17, 2001 that the Petition fee of \$130.00 be refunded to Applicants.

Please charge any shortage in fees due in connection with the filing of this paper, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.34180CX2).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Carl I. Brundage
Registration No. 29,621

CIB/jdc
(703) 312-6600

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